

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BARRY DWAYNE MINNFEE,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 4:14-CV-2304

MEMORANDUM AND ORDER

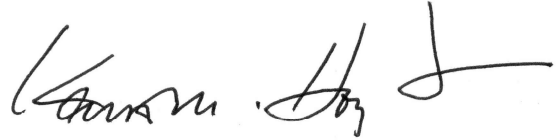
On June 25, 2015, this Court granted respondent William Stephens' motion for summary judgment and dismissed petitioner Barry Dwayne Minnfee's petition for a writ of habeas corpus on the grounds that Minnfee is not in Stephens' custody in connection with the conviction Minnfee wishes to challenge. On July 22, 2015, Minnfee filed a motion for reconsideration. This motion will be construed as a motion to alter or amend the judgment under Rule 59 of the Federal Rules of Civil Procedure.

A motion to alter or amend under Fed.R.Civ.P. 59(e) "must clearly establish either a manifest error of law or must present newly discovered evidence." *Schiller v. Physicians Resource Grp., Inc.*, 342 F.3d 563, 567 (5th Cir. 2003)(internal quotation marks omitted). "Relief under Rule 59(e) is also appropriate where there has been an intervening change in controlling law." *Id.* Minnfee fails to demonstrate grounds for relief.

Minnfee's motion consists of five handwritten pages of barely decipherable rambling. He does not make any showing that this Court's prior ruling was manifestly erroneous, does not present any newly discovered evidence, and does not point to any change in controlling law. Therefore, Minnfee fails to demonstrate grounds for relief under Rule 59(e).

Accordingly, it is ORDERED that petitioner's motion for relief from the judgment (Dkt. No. 44) is DENIED. It is FURTHER ORDERED that no certificate of appealability shall issue.

SIGNED on this 29th day of July, 2015.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge